

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DENISE FULEIHAN,

Plaintiff,

v.

WELLS FARGO BANK, N.A. et al.,

Defendants.

Case No. 2:13-cv-01145-JCM-NJK

ORDER

Presently before the court is defendants Wells Fargo Bank, N.A., U.S. Bank as trustee for Societe Generale Mortgage Securities Trust Series 2006-FRE2, and Mortgage Electronic Registration Systems, Inc.'s renewed motion for release of lis pendens. (ECF No. 64).

Plaintiff filed the instant case in this court on June 28, 2013, (ECF No. 1) and this court granted defendants' motion to dismiss on December 6, 2013, finding plaintiff's claims to be barred by res judicata, (ECF No. 52). Consequently, plaintiff's complaint was dismissed with prejudice. (*Id.*). On August 5, 2016, the Ninth Circuit ultimately affirmed this court's application of res judicata. (ECF No. 63). Defendants now argue that the lis pendens for the property at issue should be released because the case is closed. (ECF No. 64).

The local rules have the force of law. *See United States v. Hvass*, 355 U.S. 570, 574–575 (1958). Under Local Rule 7-2(d), “[t]he failure of an opposing party to file points and authorities in response to any motion . . . constitutes a consent to the granting of the motion.”


The defendants filed the present motion on November 4, 2016. (ECF No. 64). Plaintiff's deadline to respond to the motion was November 21, 2016. After that deadline passed, defendants filed a notice of non-opposition to the present motion. (ECF No. 68). Therefore, plaintiff has

1 effectively consented to the granting of the motion for release of lis pendens, pursuant to Local
2 Rule 7-2(d).

3 Accordingly,

4 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants' motion for
5 release of lis pendens (ECF No. 64) be, and the same hereby is, GRANTED.

6 DATED THIS 17th day of January, 2017.

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8 JAMES C. MAHAN
9 UNITED STATES DISTRICT JUDGE
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